

Notice of Allowability

Application No.

09/803,329

Applicant(s)

STAVRULOV, IGOR
ANATOLIEVICH

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/16/2006.
2. ☒ The allowed claim(s) is/are 1-7, 14-15 and 21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/1/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TARIQ R. HAPIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3623

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by Mr. Dan Altman (Reg. No. 34,115) on January 30, 2006 and January 31, 2006.

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in this application.

Listing of Claims:

1. **(Previously Presented)** A method for preparing customized product packaging by varying images appearing on packages of products, said method comprising:
 - a. selecting a period of time over which the average consumer will have a selected probability of not seeing an image repeated,
 - b. determining the average number of packages purchased or used by the average consumer over said selected period of time,
 - c. determining by statistical or probability methods a size of a group of different images to be placed on the group of packages that is necessary to attain the selected probability that the average consumer will not see an image repeated over said selected period of time, the size of said group of different images being a function of the average number of packages determined in step (b),
 - d. selecting different images equal in number to size of the group of different images determined in step (c); and

e. preparing the group of packages by placing one image randomly selected from the group of different images on one package, and continuing by placing another image randomly selected from the group of different images on another package, and further continuing likewise until the size of package determined in step (c) is complete.

2. **(Previously Presented)** The method of claim 1, wherein the method additionally comprises preparing more than one group of said packages at a time.

3. **(Previously Presented)** The method of claim 1, wherein the images in the group of different images are changed after a selected time period.

4. **(Previously Presented)** The method of claim 1, wherein the method additionally comprises:

- a. producing a group of individual packages; and
- b. assembling a consumer package by placing at least two packages from the group of individual packages into said consumer package, whereby, each individual package in the consumer package will appear to the consumer to bear different images.

5. **(Previously Presented)** The method of claim 4, wherein the method additionally comprises placing at least three individual packages into said consumer package in a random visual order, whereby, such individual packages in the consumer package will appear to the consumer to bear a different image at each consumer's purchase.

6. **(Previously Presented)** The method of claim 1, wherein the method additionally comprises:

- a. producing a group of consumer packages; and
- b. assembling a carton by placing at least two packages from the group of consumer packages into said carton, whereby, each consumer package in the carton will appear to the consumer to bear different images at each consumer's purchase.

7. **(Previously Presented)** The method of claim 6, wherein the method additionally comprises placing at least three consumer packages into said carton in a random visual order, whereby, the individual consumer packages in the carton will appear to the consumer to bear a different image at each consumer's purchase.

8-13. **(Canceled)**

14. **(Previously Presented)** The method of claim 1, wherein the method additionally comprises assembling a carton by placing at least two packages randomly selected from the group of consumer packages into said carton, whereby, each consumer package in the carton will appear to the consumer to bear a different image at each consumer's purchase.

15. **(Previously Presented)** The method of claim 14, wherein the method additionally comprises placing at least three consumer packages into said carton in a random visual order, whereby the individual consumer packages in the carton will appear to the consumer to bear a different image at each consumer's purchase.

16-20. **(Canceled)**

21. **(Previously Presented)** The method of claim 1, wherein the period of time repeated is a purchasing or use cycle.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance.

The present invention is directed to a method for preparing customized product packages by varying the images (indicia, text, graphics, etc.) appearing on the product packages wherein the number and selection of the images is based on the average consumer's product purchase or use during a selected period of time (purchase/use cycle) such that the consumer will have a selected probability of not seeing the image repeated on the product during the selected period of time.

The closest prior art Mueller, U.S. Patent No. 3,770,278, Brochauhausen U.S. Patent No. 6,206,190 and Jennel, U.S. Patent No. 6,135,654 fail to teach or suggest either singularly or in combination selecting a period of time over which the average consumer will have a selected probability of not seeing an image repeated, determining the average number of consumer packages purchased or used during the selected period of time and subsequently varying images appearing on the packages such that the consumer will have a selected probability of not seeing the image repeated on the product during the selected period of time as recited in independent Claim 1.

Mueller teaches a method for preparing a group of consumer packages/products in the form of a cookie game comprising preparing a group of packages (cookies) by placing one image randomly from the group of different images on one package and

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continuing to place another image randomly selected from the group of different images until the package is complete, however Mueller fails to teach *determining the average number of products purchased or used by the average consumer during a selected period of time and subsequently selecting and varying images appearing on the products, based on the average number of products purchased or used, such that the consumer will have a selected probability of not seeing the image repeated on the product during the selected period of time* as recited in independent Claim 1.

Brochhausen teaches a method for preparing customized product packaging by varying images on products and packages of products wherein users collect the custom packages over a period of time, however Brochhausen fails to teach *determining the average number of products purchased or used by the average consumer during a selected period of time and subsequently selecting and varying images appearing on the products, based on the average number of products purchased or used, such that the consumer will have a selected probability of not seeing the image repeated on the product during the selected period of time* as recited in independent Claim 1.

Jennel teaches a system for varying the images appearing on packages wherein one of a plurality of digital graphic images are printed directly onto products/product packages such that each product/package can have a different image, however Jennel fails to teach *determining the average number of products purchased or used by the average consumer during a selected period of time and subsequently selecting and*

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varying images appearing on the products, based on the average number of products purchased or used, such that the consumer will have a selected probability of not seeing the image repeated on the product during the selected period of time as recited in independent Claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Homer Colgate William, U.S. Patent No. 2,648,156, teaches a method for preparing packaging products wherein various indicia appear on the product packages such that the indicia "cooperate" to form a single image when constructed.

- Fadaie, Saadat, U.S. Patent No. 5,328,319, teaches method and system for preparing customized product packages by varying the products (items) contained in those product packages.

- Olson, Allen, U.S. Patent No. 5,430,992, teaches a system and method for preparing customized product packages wherein several predetermined and related images, placed on product packages, are packaged in such a way as to cause the packaged/stacked images/product packages to form a graphic pattern/image.

- Fadaie, Saadat, U.S. Patent No. 5,553,442, teaches a system and method for preparing a group of customized packages wherein the system/method modifies the mix of products in the package such that the package contains products having different predetermined characteristics for the purposes of providing consumers a variety of products in their consumer packages.

- Deaton et al., U.S. Patent No. 5,642,485, teach a system and method for providing consumer incentives (e.g. coupons) based on consumer product purchase cycles.

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- Scrymgeour et al., U.S. Patent No. 6,145,885, teach a system and method for preparing a group of customized/unique product packages by varying the images (text, graphics, awards, etc.) appearing on those products (variable image printing).

- Casio Computer Co. Ltd., JP 09098277A, teaches a system and method for preparing customized products by varying the images appearing on those products wherein the product images are varied randomly or in response to a rule.

- Jennel, Per, WO 97/27053, teaches a system and method for preparing packages by varying digital images printed on the packages/products.

- Gupta, Sunil, Stochastic models of interpurchase time with time-dependent covariates (1991) teaches the well-known analysis of consumer purchase cycles/product selection in marketing research.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



1/30/2006



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